

REMARKS

The application is believed to be in condition for allowance.

Claims 9-28 are pending.

The Official Action was responsive to the amendment filed September 30, 2004; however, note that a supplemental amendment was filed on December 13, 2004 wherein the claims were amended to address some formal matters and to clarify the inventive structure.

Responsive to the election of species requirement, applicant elects Species A (Figures 1-2) with traverse. Claims 28 and 9-18 are believed to read on Figures 1-2 as explained below.

The present Official Action asserts that the application contains claims directed to three patentably distinct species of the claimed invention, and asserts that the three species are represented by Figures 1-2 (species A), Figures 3a-3c (Species B), and Figure 4 (Species C).

Applicant acknowledges that Figures 1-2 and Figure 4 disclose different species. However, Figures 3a-3c are not a different species than that of Figures 1-2. See specification page 3, wherein it is disclosed that Figures 1 and 4 are first and second embodiments of the invention. It is further disclosed that Figure 2 is a detailed view of the foremost part of the Figure 1 probe and that Figures 3a-3c detail the sealing of the

most distal part of the first tube according to the first embodiment shown in Figures 1-2. Also see specification page 5, line 6.


In Figures 3c-3c there is shown plug 330 and inner tube 316, which elements correspond to the plug 130 and the inner tube 116 in Figures 1-2, respectively. Thus, although different element identification numbers have been used, Figures 1-3c all refer to the same embodiment/species. Thus, the election of Species A should be considered to be the single species disclosed by Figures 1-3c.

Claim 9, and its dependent claims, read on Figures 1-3c. Claim 28 has been amended to be generic, reading on all of Figures 1-4. Previously independent claim 19 has been amended to depend from claim 28. Thus, claim 28 is generic to both species and claims 9-18 read on the species illustrated by Figures 1-3c. Claims 28 and 9-18 are believed to read on Figures 1-2.

If there are any questions concerning this response, it is requested that the below attorney be contacted by telephone.

Respectfully submitted,

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